

Notice of Allowability

Application No.

09/903,137

Applicant(s)

TOBIN ET AL.

Examiner

Art Unit

Naresh Vig

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 February 2007.
2. ☒ The allowed claim(s) is/are 1-24 and 52-56 and 62-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

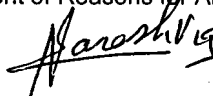
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


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DETAILED ACTION

This is in reference to response received 02 February 2003.

Drawings

The drawings have been approved by the examiner.

Reason For Allowance

The following is an examiner's statement of reasons for allowance:

The invention relates to system, apparatus and method for automatic recognition of compact discs or other storage media containing particular content and offering to the user a discount or credit usable towards the purchase of a copy of the particular content. Applicant's invention receives an identifier which is extracted from the user's storage medium containing particular content through the network, upon receiving the identifier, user is provided with a credit usable towards the purchase of a copy of the particular content. When the user redeems the credit, a copy of the particular content is sent to the user from the content distribution system through the network.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was done following a telephone interview with Arthur S Ortega (Reg. No. 53,422) on 17 May 2007 and Natalie Morelli (Reg. No. 58,545) on 05 August 2007.

After the examiner's amendment, amended claims will read as follows.

Claim1:

A method for providing content to a user in an electronic content distribution system that implements a network, the method comprising:

receiving through the network an identifier extracted from ~~for~~ a storage medium containing particular content;

providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;

in response to receiving the redemption of credit ~~identifier~~ through the network, sending to the user ~~content related to the~~ copy of the particular content from the electronic content distribution system through the network .

Claim 11:

An apparatus for providing particularized credit to a user in an electronic content distribution system that implements a network, the apparatus comprising:

means for receiving an identifier extracted from ~~for a~~ storage medium containing particular content through the network, the identifier identifying the storage medium; and

means for providing a particular credit usable towards the purchase of a copy of the particular content to the user based upon receipt of the identifier, wherein upon receiving redemption of the particular credit through the network, sending to the user a copy of the particular content from the electronic content distribution system through the network

Claim 18

A system for providing particularized credit to a user in an electronic content distribution system that implements a network, the system comprising:

a processor; and

a memory, in operative communication with the processor, that stores instructions that are executed by the processor to effectuate

receiving an identifier extracted from ~~for a~~ storage medium through the network, the identifier identifying the storage medium, the storage medium further containing the particular content, and

providing a particular credit usable towards the purchase of a copy of the particular content to the user the credit being based upon receipt of the identifier,

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wherein upon receiving redemption of the particular credit through the network, sending a copy to the user of the particular content from the electronic content distribution system through the network.

Claim 57 Cancelled

Claim 58 Cancelled

Claim 59 Cancelled

Claim 60 Cancelled

Claim 61 Cancelled

Regarding independent claim 1 (method claim), Claim 11 (apparatus claim), and, Claim 18 (system claim for the method)

Prior art Garfinkle (US Patent 5,400,402) teaches:

receiving through the network an identifier to identify a particular content;
sending to the user copy of the particular content from the electronic content distribution system through the network

Prior art Garfinkle (US Patent 5,400,402) does not teach:

receiving through the network an identifier extracted from a storage medium containing particular content;
providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;
in response to receiving the credit through the network, sending to the user copy of the particular content from the electronic content distribution system through the network.

Prior art Rhodes (US Patent 5,051,822) teaches:

receiving through the network an identifier to identify a particular content;
sending (streaming) to the user copy of the particular content from the electronic content distribution system through the network

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Prior art Rhodes (US Patent 5,051,822) does not teach:

receiving through the network an identifier extracted from a storage medium containing particular content;

providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;

in response to receiving the credit through the network, sending to the user copy of the particular content from the electronic content distribution system through the network.

Prior art Matsumura et al. (US Patent 7,151,888) teaches:

receiving through the network an identifier to identify a particular content;

sending (streaming) to the user copy of the particular content from the electronic content distribution system through the network

Prior art Rhodes (US Patent 5,051,822) does not teach:

receiving through the network an identifier extracted from a storage medium containing particular content;

providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;

in response to receiving the credit through the network, sending to the user copy of the particular content from the electronic content distribution system through the network.

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Prior art Circuit City's New Video Rental Technology Faces An Onslaught Of

Criticism teaches:

receiving through the network an identifier extracted from a storage medium identifying a particular content;

Prior art Circuit City's New Video Rental Technology Faces An Onslaught Of

Criticism does not teach:

providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;

in response to receiving the credit through the network, sending to the user copy of the particular content from the electronic content distribution system through the network.

Prior art Inoue WIPO Publication WO 9725816 A1 teaches:

sending to the user copy of the particular content from the electronic content distribution system through the network;

Prior art Inoue WIPO Publication WO 9725816 A1 does not teach:

receiving through the network an identifier extracted from a storage medium containing particular content;

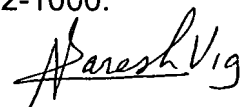
providing to the user a credit usable towards the purchase of a copy of the particular content, the credit being based on the received identifier;

in response to receiving the credit through the network, sending to the user copy of the particular content from the electronic content distribution system through the network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
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August 13, 2007